IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL WRIT PETITION NO.2664 OF 2004

Mohammed Iqbal @ Iqbal Bawa ...Petitioner

Versus

The State of Maharashtra ...Respondent

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Mrs.Sulbha A.Dhamale for Petitioner.

Mr.K.V.Saste, A.P.P. for Respondent.

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CORAM: A.M.KHANWILKAR, J.

DECEMBER 23, 2004.

P.C.

1. Heard Counsel for the parties.

2. Rule. Rule made returnable forthwith, by consent. Mr.Saste, A.P.P. waives notice for Respondent.

3. As short question is involved, the matter is taken up for final disposal forthwith, by consent.

4. This Petition takes exception to the order passed by the Deputy Inspector General of Prisons dated 16th November 2004, rejecting the Petitioner's request for furlough leave. The only reason noted in the order is that the surety furnished by the Petitioner is unacceptable. Since this is the only reason, which has weighed with the Authority below to reject the Petitioner's request, the correctness of that is put in issue. It is argued that the same surety was offered in the past by the Petitioner on more than one occasion and was accepted. On every occasion, when the Petitioner was released on furlough leave, he had complied with all the requisite conditions. If it is so, I fail to understand the basis on which, the Authority proceeded to reject the Petitioner's application. Instead, the Application ought to have been granted as per the rules.

5. This Petition therefore succeeds. The Authorities are directed to allow the request for furlough leave made by the Petitioner, as per rules.

A.M.KHANWILKAR, J.